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| Application of: | Kipp et al.  | ) |                       |
| Serial No.:     | 09/874,499   | ) |                       |
| Filed:          | June 5, 2001   | ) | Art Unit: 1615        |
| Title:          | Microprecipitation Method for Preparing<br>Submicron Suspensions | ) | Examiner: Simon J. Oh |
| Docket No.:     | CPIFT-5726   | ) | Confirmation No. 6158 |

TERMINAL DISCLAIMER PURSUANT TO 37 CFR 1.321

Commissioner for Patents  
P.O. Box 1450  
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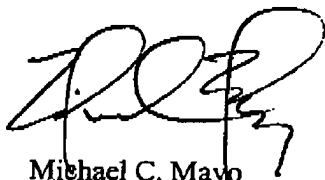
Sir:

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent number 6,607,784 ("Prior Patent"), or which would extend beyond the expiration date of any patent granted on Application number 09/874,637, filed June 5, 2001; Application number 09/953,979, filed September 17, 2001; Application number 10/021,692, filed December 12, 2001; and Application number 10/035,821, filed October 19, 2001 (the Applications collectively, "Prior Applications") as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Prior Applications and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

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Applications, in the event that such Prior Patent or Prior Applications later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term.

Respectfully submitted,



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